

DEC-11-1998 11:01

T\*BSCE SAN JOSE

408 895 3501 P. 02/03

COMBINED DECLARATION FOR: <b>INT. APPLICATION AND POWER OF ATTORNEY</b>		<b>(CONTINUED)</b>	ATTORNEY'S DOCKET NUMBER 019844-00072002
(Includes reference to PCT International Applications)			

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60/008,408	November 9, 1996			x
08/648,315	November 1, 1995			x

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

James F. Heslin, Reg. No. 29,719

James M. Heslin, Reg. No. 29,541

Mark D. Barrish, Reg. No. 36,443

Send Correspondence to:	James M. Heslin Townsend and Townsend and Crew LLP Two Embarcadero Center, 6th Floor San Francisco, CA 94111-3834 Telephone: (415) 576-0200 Fax: (415) 576-0300	Direct Telephone Calls to: (Name and telephone number)  Name: James M. Heslin Registration No. 29,541 Telephone: (650) 325-3400
-------------------------	--	--

22	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	George	Savage	George	M.
	RESIDENCE & CITY CITIZENSHIP	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
Portola Valley	California	United States		
POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY		
1180 Westridge Drive	Portola Valley	California 94028 USA		
22	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	Jeffrey	Lambert	Jeffrey	
	RESIDENCE & CITY CITIZENSHIP	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
Freemont	California	United States		
POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY		
4875 Oscar Street	Freemont	California 94538 USA		
22	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	Jeffrey	Christian	Jeffrey	J.
	RESIDENCE & CITY CITIZENSHIP	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
San Jose	California	United States		
POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY		
600 Curtis Drive	San Jose	California 95123 USA		

<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>			
SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203	
George Savage	James M. Heslin	Mark D. Barrish	
DATE December 11, 1998	DATE December 11, 1998	DATE December 11, 1998	

**SCHEDULE A**

Total number of cases.....

23

BEST AVAILABLE COPY

**SCHEDULE B**

SPEC0058-02 Cases Assigned to FERR, Inc. to be recorded as ETHICON, INC. Page: 1

<u>Docket#</u>	<u>Filing Dt.</u>	<u>Issue Dt.</u>	<u>Real/Frame</u>	<u>Record Dt.</u>	<u>Status</u>
FEM0005	1996/11/06	1999/11/09	-	/ /	ISSUED 5,979,453
FEM0023	1997/11/21	/ /	-	/ /	PENDING
FEM0029	1997/10/30	/ /	-	/ /	PENDING 5,741,287
FEM0023	1996/10/29	1998/03/24	-	/ /	ISSUED 5,730,752

Total number of cases.....

BEST AVAILABLE COPY

CERTIFICATE OF MERGER

OF  
FEMRX, INC.

and

GYNECARE, INC.  
INTO  
ETHICON, INC.

DEC 23 1999

State Treasurer

Pursuant to the provisions of Section 14A:10-7 of the New Jersey General Corporation Law, the undersigned corporations hereby execute the following Certificate of Merger.

1. The name and jurisdiction of each constituent corporation is:

Name	Jurisdiction
Ethicon, Inc.	New Jersey
FemRx, Inc.	Delaware
Gynecare, Inc.	Delaware

2. The name of the surviving corporation is Ethicon, Inc., a New Jersey corporation.

3. The Agreement and Plan of Merger pursuant to which the merger was effected is attached hereto as Exhibit A (the "Plan of Merger").

4. (a) The following information is set forth for each corporation whose shareholders are entitled to vote:

Corporation	Number of Shares Entitled to Vote	Number of Votes For the Plan of Merger	Number of Votes Against the Plan of Merger	Date of Shareholder Approval for the Plan of Merger
FemRx, Inc.	1	1	0	12/9/99
Gynecare, Inc.	100	100	0	12/9/99

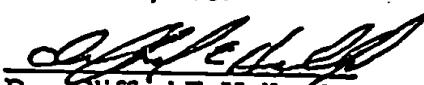
(b) The directors of Ethicon, Inc. approved the Plan of Merger on December 9, 1999. No vote of the shareholders of Ethicon, Inc. was required because of the applicability of Section 14A:10-3(4) of the New Jersey General Corporation Law.

5. The merger shall be effective on January 3, 2000.

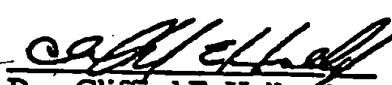
6. The laws of Delaware, the state under which FemRx, Inc. and Gynecare, Inc. are organized, permit the merger and the applicable provisions of Delaware have been, or upon compliance with filing and recording requirements will have been, complied with.

IN WITNESS WHEREOF, each of the undersigned corporations has caused this Certificate of Merger to be executed by its proper officer on its behalf on this 10<sup>th</sup> day of December, 1999.

ETHICON, INC.

  
By: Clifford E. Holland  
Title: President

FEMRX, INC.

  
By: Clifford E. Holland  
Title: President

GYNECARE, INC.

  
By: Clifford E. Holland  
Title: President

BEST AVAILABLE COPY

EXHIBIT A

AGREEMENT AND PLAN OF MERGER

THIS AGREEMENT AND PLAN OF MERGER, dated as of this 10 day of December, 1999 is entered into pursuant to Section 252 of the General Corporation Law of the State of Delaware and Section 14A:10-7 of the New Jersey General Corporation Law and is among Ethicon, Inc., a New Jersey corporation and the surviving corporation ("Ethicon"), Gynecare Inc., a Delaware corporation ("Gynecare") and FemRx, Inc., a Delaware corporation ("FemRx").

WHEREAS, Gynecare and FemRx each desire to merge with and into Ethicon and Ethicon desires to merge with and into itself each of Gynecare and FemRx;

NOW, THEREFORE, the parties to this Agreement, in consideration of the mutual covenants, agreements and provisions hereinafter contained, do hereby prescribe the terms and conditions of said merger and mode of carrying the same into effect as follows:

**FIRST:** Ethicon hereby merges into itself each of Gynecare and FemRx and each of FemRx and Gynecare shall be and hereby is merged with and into Ethicon.

**SECOND:** The Certificate of Incorporation of Ethicon as heretofore amended and as in effect on the date of the effective time of the merger shall continue in full force and effect as the Certificate of Incorporation of the corporation surviving this merger. No amendments to the Certificate of Incorporation of Ethicon shall be effected as a result of the merger.

**THIRD:** All of the shares of common stock of Ethicon, Gynecare and FemRX are owned by Ethicon Endo-Surgery, an Ohio corporation. At the effective time of the merger, all of the issued shares of Gynecare and FemRx shall be canceled and no shares of Ethicon shall be issued in exchange therefor.

**FOURTH:** The terms and conditions of the merger are as follows:

(a) The by-laws of Ethicon as they exist on the effective date of the merger shall be and remain the by-laws of the corporation surviving this merger until the same shall be altered, amended and repealed as therein provided.

(b) The directors and officers of Ethicon shall continue in office until the next annual meeting of stockholders and until their successors shall have been elected and qualified.

(c) This merger shall become effective on January 3, 2000.

(d) Upon the merger becoming effective, all property, rights, privileges and other asset of every kind and description of Gynecare and FemRx shall be transferred to, vested in and devolve upon Ethicon without further act or deed.

**FIFTH:** Ethicon may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of Gynecare or FemRx as well as for enforcement of any obligations of Ethicon arising from the merger provided for in this Agreement. Ethicon does hereby irrevocably appoint the Secretary of State of Delaware as its agent to accept service of process in any such suit or other proceedings. The address to which a copy of such process shall be mailed by the Secretary of State of Delaware is U.S. Route #22, Somerville, New Jersey 08876 until Ethicon shall have hereafter designated in writing to the Secretary of State of Delaware a different address for such purpose. Service of such process may be made by personally delivering to and leaving with the Secretary of State of Delaware duplicate copies of such process, one of which copies the Secretary of State of Delaware shall forthwith send by registered mail to Ethicon at the above address.

IN WITNESS WHEREOF, each party to this Agreement, pursuant to the approval and authority given by resolution adopted by their respective Board of Directors, has caused this Agreement to be executed by its proper officer as the respective act, deed and agreement of such party on this 10 day of December, 1999.

GYNECARE, INC.

  
Name: Clifford E. Holland  
Title: President

FEMRX, INC.

  
Name: Clifford E. Holland  
Title: President

ETHICON, INC.

  
Name: Clifford E. Holland  
Title: President



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

M08013  
PTV 8437

JUNE 27, 2000

PTAS

JOHNSON & JOHNSON  
AUDLEY A. CIAMPORCERO, JR., ESQ.  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

RECEIVED 101324025A\*

JUL 5 2000

J & J PAT. DKT. SECTION

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/20/2000

REEL/FRAME: 010731/0317  
NUMBER OF PAGES: 7

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
ETHICON, INC.

DOC DATE: 12/10/1999

ASSIGNEE:  
ETHICON, INC.  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NEW JERSEY 08903

SERIAL NUMBER: 08906358 *FEM-2*  
PATENT NUMBER: 6039748

FILING DATE: 08/05/1997  
ISSUE DATE: 03/21/2000

SERIAL NUMBER: 08678412 *FEM-6*  
PATENT NUMBER:

FILING DATE: 07/02/1996  
ISSUE DATE:

SERIAL NUMBER: 08822901 *FEM-7*  
PATENT NUMBER:

FILING DATE: 03/20/1997  
ISSUE DATE:

SERIAL NUMBER: 08136426  
PATENT NUMBER: 5456689 *FEM-9*

FILING DATE: 10/13/1993  
ISSUE DATE: 10/10/1995

SERIAL NUMBER: 08529144	FILING DATE: 09/15/1995
PATENT NUMBER: 5531892	ISSUE DATE: 07/02/1996
SERIAL NUMBER: 09068056	FILING DATE: 12/14/1998
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09087113	FILING DATE: 05/28/1998
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 08912259	FILING DATE: 08/15/1997
PATENT NUMBER: 6032673	ISSUE DATE: 03/07/2000
SERIAL NUMBER: 08592124	FILING DATE: 01/26/1996
PATENT NUMBER: 5863294	ISSUE DATE: 01/26/1999
SERIAL NUMBER: 08868429	FILING DATE: 06/03/1997
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 08829377	FILING DATE: 03/31/1997
PATENT NUMBER: 5906615	ISSUE DATE: 05/25/1999
SERIAL NUMBER: 09063938	FILING DATE: 04/21/1998
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 08906308	FILING DATE: 08/05/1997
PATENT NUMBER: 5916198	ISSUE DATE: 06/29/1999
SERIAL NUMBER: 09151015	FILING DATE: 09/10/1998
PATENT NUMBER: 6086584	ISSUE DATE: 07/11/2000
SERIAL NUMBER: 08746542	FILING DATE: 11/13/1996
PATENT NUMBER: 5741287	ISSUE DATE: 04/21/1998
SERIAL NUMBER: 09286396	FILING DATE: 04/05/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09377377	FILING DATE: 08/19/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09454878	FILING DATE: 12/03/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09457657	FILING DATE: 12/09/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09456696	FILING DATE: 12/09/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09457799	FILING DATE: 12/09/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09456687	FILING DATE: 12/09/1999
PATENT NUMBER:	ISSUE DATE:

010731/0317 PAGE 3

SERIAL NUMBER: 09457807  
PATENT NUMBER:

FEm-49✓

FILING DATE: 12/09/1999  
ISSUE DATE:

SERIAL NUMBER: 08744610  
PATENT NUMBER: 5979453

FEm-5✓

FILING DATE: 11/06/1996  
ISSUE DATE: 11/09/1999

SERIAL NUMBER: 08746541  
PATENT NUMBER: 5741287

FEm-29✓

FILING DATE: 11/13/1996  
ISSUE DATE: 04/21/1998

SERIAL NUMBER: 08738643  
PATENT NUMBER: 5730752

FEm-23✓

FILING DATE: 10/29/1996  
ISSUE DATE: 03/24/1998

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

REC'D

04-18-2000

T

MWD  
3-20-00  
Commissioner of Patent and Trademark

101324025

Please record the attached original doc.

## 1. Name of conveying party(ies):

**CASES TO BE RECORDED IN THE  
NAME OF ETHICON, INC.**

Additional name(s) of conveying party(ies) attached?

 Yes  No

## 2. Name and address of receiving party(ies):

Name: **ETHICON, INC.**

## Street Address:

**ONE JOHNSON & JOHNSON PLAZA**200  
MAR 20 PM 2:20  
DRAFT/FINANCECity: **NEW BRUNSWICK**State: **NJ** Zip: **08903**

Additional name(s) &amp; address(es) attached?

 Yes  No

## 3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other

Execution Date: **Dec. 10, 1999 (Merger-4pp)**

## 4. Application number(s) or patent number(s): See Schedule A (1 pp) and Schedule B (1 p)

If this document is being filed together with a new application, the execution date of the application is: **N/A**

## A. Patent Application No.(s)

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Audley A. Ciamporcero, Jr., Esq.  
 Chief Patent Counsel  
 Johnson & Johnson  
 One Johnson & Johnson Plaza  
 New Brunswick, NJ 08933-7003

6. Total number of applications & patents involved: **27**7. Total fee (37 CFR 3.41) ..... **\$1,080.00** Authorized to be charged to Deposit Account8. Deposit Account Number: **10-0750/VEK/FEMRX**

## 9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**VERNE KREGER, REG. NO. 35,231**

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **7**

Mail documents to be recorded with required cover sheet information to:

**Box Assignments****Commissioner of Patent and Trademarks****Washington, D.C. 20231****REST AVAILABLE COPY**